

The Honorable Philip H. Brandt  
Chapter 13  
Hearing Date: April 1, 2010 at 9:00 am  
Hearing Location: US Courthouse, Seattle, WA  
**Response Due Date: March 25, 2010**

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

IN RE:

HENRI BARDON and CHRISTINE BARDON,  
Debtor(s).

Bankruptcy No. 09-17012 PHB  
Chapter 13

DEBTORS' MOTION TO AVOID  
LIEN UNDER 11 U.S.C. § 522(f)  
WITH NOTICE OF HEARING AND  
PROOF OF SERVICE

**PLEASE TAKE NOTICE** that a hearing is set to consider Debtor's Motion to Avoid  
Lien under § 522(f) will be held on April 1, 2010.

JUDGE:	The Honorable Philip H. Brandt
PLACE:	United States Bankruptcy Court, 700 Stewart Street, Room 8106, Seattle, WA 98101
DATE:	April 1, 2010
TIME:	9:00 a.m.
RESPONSE DATE:	March 25, 2010

**IF YOU OPPOSE THE MOTION**, you must file your written response with the Court  
Clerk and deliver copies on the undersigned no later than the response date, which is  
**March 25, 2010.**

If no response is timely filed and served, the Court may, in its discretion, grant the  
motion prior to the hearing, without further notice, and strike the hearing. Objections not on file  
and served as set forth may be deemed waived.

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DEBTORS' MOTION TO AVOID LIEN UNDER 11 U.S.C.  
§ 522(F) WITH NOTICE OF HEARING AND PROOF OF  
SERVICE - 1  
(000032)

**SEATTLE DEBT LAW, LLC**  
705 2<sup>ND</sup> AVE, SUITE 501  
SEATTLE, WASHINGTON 98104  
telephone (206) 324-6677  
fax (877) 562-5148

1 DATED this 24<sup>th</sup> day of February, 2010.

2  
3 SEATTLE DEBT LAW, LLC

4  
5 By: /s/ Christina Latta Henry  
Christina Latta Henry, WSBA 31273

6 Motion

7 COMES NOW Henri Bardon and Christine Bardon, the Chapter 13 debtors  
8 (“Debtor(s)”), by and through their attorneys, Christina Latta Henry and Seattle Debt Law, LLC,  
9 and moves the court for an order pursuant to 11 U.S.C. §522(f) to avoid and cancel the judgment  
10 lien held by California Bank & Trust (hereinafter “CBT”) on the real property used as the  
11 Debtor’s residence.

12  
13 **A. BACKGROUND.**

14 The Debtor filed a voluntary petition pursuant to Chapter 13 of title 11 the United States  
15 Code on July 16, 2009. On February 4, 2008, prior to the bankruptcy filing, CBT obtained a  
16 judgment in King County Superior Court (Case No. 07-2-21455-1SEA) on the real property known  
17 as the Debtor’s residence located at 5047 84<sup>th</sup> Avenue S.E., Mercer Island, Washington 98040,  
18 (hereinafter the “Residence”). It is unclear whether the judgment was recorded with the King  
19 County auditor, but the judgment is clouding the title and may be impairing the Debtors’  
20 exemptions. The said judicial lien is entered of record as follows:

21 **JUDGMENT**

22 Against:	Henri J. Bardon and Jane Doe Bardon, husband and wife, and their marital community, and Euro Asian Investment
23	Holding, Inc.
24 In favor of:	California Bank & Trust
25 Amount:	\$175,047.38, plus interest and/or costs
26 Entered:	February 4, 2008
Judgment No.	07-2-21455-1
Superior Ct. Cause No.	07-2-21455-1

1 The Debtors' interest in the Residence located at 5047 84<sup>th</sup> Avenue S.E., Mercer Island,  
2 Washington 98040, encumbered by the above-referenced judgment lien, did not exceed  
3 \$125,000.00 in value at the time their bankruptcy petition was filed and their interest was claimed as  
4 fully exempt under 11 U.S.C. §522(d)(2) and 11 U.S.C. §522(d)(5).

5  
6 **B. ARGUMENT.**

7 Under 11 U.S.C. §522(f), a debtor may avoid the fixing of a lien on an interest of the  
8 debtor in property to the extent that such lien impairs an exemption under RCW 6.13.030. Here,  
9 the existence of CBT's lien on the Debtors' Residence impairs an exemption to which the  
10 Debtors would otherwise be entitled under 11 U.S.C. §522(f).

11 **C. PRAYER FOR RELIEF**

12 WHEREFORE, Debtors prays for an order against CBT for the cancellation and avoidance  
13 of the judgment lien on their Residence and for such additional or alternative relief as may be just  
14 and proper.

15 DATED this 24th day of February, 2010.

16 SEATTLE DEBT LAW, LLC

17  
18 By: /s/ Christina Latta Henry  
19 Christina Latta Henry, WSBA #31273  
20 Attorneys for the Debtors

21 **PROOF OF SERVICE**

22 I, Christine A. Turner, under penalty of perjury, declare that on the dates indicated below,  
23 I caused a copy of the following documents to be served on the parties listed below via United  
24 States First Class Mail and/or ECF:

25 *Debtor's Note for Motion, Motion to Avoid Lien, Declaration of Counsel in Support of*  
26 *Motion and Proposed Order Granting Motion to Avoid Lien*

27 Via ECF on February 24, 2010:

1 K. Michael Fitzgerald

courtmail@seattlech13.com

2 U.S. Trustee

USTPRegion18.SE.ECF@usdoj.gov

3 Bradley Boswell Jones

bbjlaw301@hotmail.com

4 Aaron C. Masser

ecf@rcolegal.com

5 Via United States First Class Certified Mail on February 24, 2009:

6 CSC – Lawyers Incorporating Service  
7 Registered Agent for California Bank & Trust  
8 2730 Gateway Oaks Drive, Suite 100  
9 Sacramento, CA 95833

10 Via United States First Class Mail on February 24th 2010 to the parties listed on the USBC

11 Matrix extracted from PACER and attached hereto as **Exhibit A**.

12 I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE  
13 OF WASHINGTON THAT THE FOREGOING STATEMENT IS BOTH TRUE AND  
14 CORRECT.

15 Executed this 24th day of February, 2010 at Seattle, Washington.

16 /s/ Christine A. Turner  
17 Christine A. Turner  
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Label Matrix for local noticing  
0981-2  
Case 09-17012-PHB  
Western District of Washington  
Seattle  
Wed Feb 24 08:39:51 PST 2010

American Express Bank, FSB  
POB 3001  
Malvern, PA 19355-0701

Bank Of America  
Attn: Bankruptcy NC4-105-02-77  
PO Box 26012  
Greensboro, NC 27420-6012

Henri Bardon  
5047 84th Ave SE  
Mercer Island, WA 98040-4617

CR Evergreen, LLC  
MS 550  
PO Box 91121  
Seattle, WA 98111-9221

California Bank and Trust  
c/o Routh Crabtree Olsen PS  
3535 Factoria Blvd SE, Ste 200  
Bellevue, WA 98006-1263

Citibank  
PO Box 6500  
Sioux Falls, SD 57117-6500

K Michael Fitzgerald  
600 University St #2200  
Seattle, WA 98101-4152

Inland Revenue Authority of Singapore  
c/o Donald B. Walter, CPA  
Global Tax Help  
444 NE Ravenna Blvd, Suite 206  
Seattle, WA 98115-6467

Aaron C Masser  
Routh Crabtree Olsen PS  
3535 Factoria Blvd SE Ste 200  
Bellevue, WA 98006-1263

AMERICAN INFOSOURCE LP AS AGENT FOR  
FIA CARD SERVICES, NA/BANK OF AMERICA  
PO Box 248809  
Oklahoma City, OK 73124-8809

American Express Centurion Bank  
POB 3001  
Malvern, PA 19355-0701

Barclays Bank Delaware  
Attention: Customer Support Department  
PO Box 8833  
Wilmington, DE 19899-8833

Philip H. Brandt  
Seattle Tacoma  
700 Stewart St, Rm 6301  
Seattle, WA 98101-4441

California Bank & Trust  
PO Box 1507  
Salt Lake City, UT 84110-1507

Capital 1 Bank  
Attn: C/O TSYS Debt Management  
PO Box 5155  
Norcross, GA 30091-5155

Countrywide Home Lending  
Attention: Bankruptcy SV-314B  
PO Box 5170  
Simi Valley, CA 93062-5170

Gemb/paypldc  
Po Box 981416  
El Paso, TX 79998-1416

LVNV Funding LLC  
Resurgent Capital Services  
PO Box 10587  
Greenville, SC 29603-0587

Minor & James Medical, PLLC  
PO Box 3489  
Seattle, WA 98114-3489

American Express  
c/o Becket and Lee  
PO Box 3001  
Malvern, PA 19355-0701

Bac / Fleet Bankcard  
PO Box 26012  
Greensboro, NC 27420-6012

Christine Bardon  
5047 84th Ave SE  
Mercer Island, WA 98040-4617

CAPITAL ONE BANK (USA), N.A.  
C/O TSYS DEBT MANAGEMENT (TDM)  
PO BOX 5155  
NORCROSS, GA 30091-5155

California Bank and Trust  
Routh Crabtree Olsen PS  
c/o James K Miersma  
3535 Factoria Blvd SE #200  
Bellevue, WA 98006-1263

Chase  
Attention: Bankruptcy Department  
PO Box 15298  
Wilmington, DE 19850-5298

DEPARTMENT STORES NATIONAL BANK/MACYS  
TSYS DEBT MGMT., INC.  
PO BOX 137  
COLUMBUS, GA 31902-0137

Christina Latta Henry  
Seattle Debt Law LLC  
705 2nd Avenue Ste 1050  
Seattle, WA 98104-1759

Macys  
Macy's Bankruptcy  
PO Box 8053  
Mason, OH 45040-8053

OPHRYS, LLC  
C O WEINSTEIN AND RILEY, PS  
2001 WESTERN AVENUE, STE 400  
SEATTLE, WA 98121-3132

Exhibit A

PRA Receivables Management, LLC  
As Agent Of Portfolio Recovery Assocs.  
POB 41067  
NORFOLK VA 23541-1067

Seattle Emergency Physicians, Inc  
PO Box 34935  
Seattle, WA 98124-1935

Seattle Radiologists APC  
P.O. Box 509097  
San Diego, CA 92150-9097

Swedish Hospital and Medical  
747 Broadway Ave  
Seattle, WA 98122-4307

United States Trustee  
700 Stewart St Ste 5103  
Seattle, WA 98101-4438

Wells Fargo  
PO Box 60510  
Los Angeles, CA 90060-0510

Wells Fargo Bank N A  
PO Box 31557  
Billings, MT 59107-1557

Wells Fargo Bank NA  
PO Box 10438  
Des Moines, IA 50306-0438

Wells Fargo Bank, N.A.  
P. O. Box 14469 MAC X2303-01M  
Des Moines, IA 50306-3469

Wells Fargo Card  
PO Box 5058  
Portland, OR 97208-5058

William T. Robinson, PLLC  
14432 SE Eastgate Way, Ste 400  
Bellevue, WA 98007-6493

eCAST Settlement Corporation, assignee  
of Chase Bank USA, N.A.  
POB 35480  
Newark, NJ 07193-0001

End of Label Matrix	
Mailable recipients	41
Bypassed recipients	0
Total	41